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In re Application of	:	
ZHANG et al.	:	
U.S. Application No. 10/019,879	:	DECISION ON
PCT No.: PCT/CN00/00293	:	PETITION
Int. Filing Date: 28 September 2000	:	UNDER 37 CFR 1.137(b)
Priority Date: None	:	and
Attorney Docket No.: 42390.P9658	:	PETITION
For: A METHOD AND APPARATUS FOR	:	UNDER 37 CFR 1.47(a)
EXTRACTING ENTITY NAMES AND	:	
THEIR RELATIONS	:	

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and "Petition under 37 CFR 1.47(a)" filed 25 August 2008 in the above-captioned application.

BACKGROUND

On 28 September 2000, applicants filed international application PCT/CN00/00293 which claimed no priority date. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 April 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 28 March 2003.

On 27 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 01 May 2003, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 12 November 2003, applicants filed a response to the Notification Of Missing Requirements which included a petition under 37 CFR 1.47(a); payment of the required

surcharge; and a four-month extension of time. In a decision dated 20 January 2004, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 18 October 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment under 35 U.S.C. 371 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 01 May 2003. (The notification should have indicated that the application was abandoned for failure to respond to the Decision mailed 20 January 2004.)

On 12 March 2008, applicants filed "Request for Consideration of Previously Filed Petition to Revive Application and Petition under 37 CFR 1.47(a)." In a decision dated 23 May 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 25 August 2008, applicants filed "Petition for Revival of an Application for Patent Abandoned unintentionally under 37 CFR 1.137(b)" and a (renewed) Petition under 37 CFR 1.47(a).

DISCUSSION

As previously stated, the above-identified application was abandoned for failure to respond to the Decision on Petition mailed 20 January 2004.

Renewed Petition under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (i) the fee under 37 CFR 1.17(h), (ii) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (iii) a statement of the last known address of the missing inventor, and (iv) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (i), (iii), and (iv) have been previously satisfied.

Regarding item (ii), the petition asserts that the nonsigning inventor cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Judy L. Steinkraus, with supporting documents, describing efforts made to locate the nonsigning inventor. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (ii) is therefore satisfied.

Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was

unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.47(a). Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to accept the application without the signature of Joe E. Zhou must be grantable. As to Item (1), applicants have submitted a grantable petition under 37 CFR 1.47(a).

As to Item (2) under 37 CFR 1.137(b), the appropriate petition fee as required by 37 CFR 1.17 has been submitted.

With regard to Item (3), applicants' statement that "the entire delay in filing the required reply from the due date until the filing of the petition was unintentional," and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The petition under 37 CFR 1.137(b) is GRANTED.

As provided in 37 CFR 1.47, a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of
ZHANG et al.
U.S. Application No. 10/019,879
PCT No.: PCT/CN00/00293
Int. Filing Date: 28 September 2000
Priority Date: None
Attorney Docket No.: 42390.P9658
For: A METHOD AND APPARATUS FOR EXTRACTING ENTITY NAMES AND THEIR
RELATIONS

Dear Joe F. Zhou:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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